

STATE WATER RESOURCES CONTROL BOARD  
OFFICE OF CHIEF COUNSEL

Dana Differding  
Telephone Conversation

Date: 2/18/02

From: Henry Rodegerdts; Bill DuBois

Organization: California Farm Bureau

Telephone Number: 561-5656; 446-4647

Topic: IID/SDCWA transfer petition

Mr. Rodegerdts and Mr. DuBois called with a number of questions about participation in the hearing. In response to their first question, I advised them that an individual who presents a policy statement would not necessarily be precluded from testifying as a witness on behalf of a party. The hearing notice precludes a participant, such as the California Farm Bureau, from presenting a case in chief and making a policy statement. Instead, a participant who presents a case in chief should state the participant's position during the participant's opening statement. However, an individual landowner, for example, may make a policy statement on his or her own behalf and also testify as a witness for the Farm Bureau. But I cautioned against attempting to present testimony on matters that really should be part of a policy statement.

In response to another question I informed Mr. Rodegerdts and Mr. DuBois that the SWRCB would not hear policy statements on April 23<sup>rd</sup> in Sacramento. Any policy statements must be presented in Holtville on the 22<sup>nd</sup> or be submitted in writing in advance of the hearing. I told them that it isn't necessary to submit a notice of intent to appear in order to present a policy statement only, although we strongly encourage those who intend to make only policy statements to submit a notice of intent to appear and to submit the policy statement in writing. I advised that it is necessary to submit a notice of intent to appear, with a list of witnesses, in order to participate in the evidentiary portion of the hearing and present testimony.

Finally, Mr. Rodegerdts and Mr. DuBois wanted to know if persons who are not protestants would be allowed to participate as parties. I informed them that it is within the hearing officer's discretion to allow persons other than protestants to participate as parties and present evidence. I said that it has been the SWRCB's practice to be fairly lenient about allowing persons other than protestants to

participate in a hearing once it has been scheduled. I advised Mr. Rodegerdts that if the California Farm Bureau desires to participate as a party and present a case in chief it should submit a notice of intent to appear, listing its proposed witnesses. If no one objects, the Farm Bureau will probably be allowed to present its case in chief.